

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

RENA YVONNE REDDING BENFORD,)
)
Petitioner,)
v.) Nos. 1:03-cv-248 / 1:98-cr-77 -03
) Edgar
UNITED STATES OF AMERICA,)
)
Respondent.)

O R D E R

A motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 has been filed by Rena Yvonne Redding Benford. This matter was referred to United States Magistrate Judge Susan K. Lee for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Magistrate Judge Lee has filed a report and recommendation [Doc. 10]. The parties have not timely filed any objections to the report and recommendation.

After reviewing the entire record *de novo*, the Court **ACCEPTS and ADOPTS** Magistrate Judge Lee's report and recommendation pursuant to 28 U.S.C. § 636(b)(1). The petitioner's motion for post-conviction relief pursuant to 28 U.S.C. § 2255 is **DENIED**.

In addition, the Court has reviewed this case pursuant to 28 U.S.C. § 1915(a)(3) and Rule 24 of the Federal Rules of Appellate Procedure and hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, any application by Rena Benford for leave to proceed *in forma pauperis* on appeal is **DENIED**. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24.

Further, should Benford file a timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** since she has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Rule 22(b) of the Federal Rules of Appellate Procedure.

SO ORDERED.

ENTER this *1st day of November, 2005.*

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE